

48A C.J.S. Judges § 189

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.


VII. Compensation and Fees

A. General Considerations

§ 189. Compensation fixed by law

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  [22\(.5\)](#), [22\(2\)](#)

Judicial officers are entitled to receive compensation for their services in accordance with the provisions of the law and are not entitled to any compensation except as expressly provided by law.

The compensation of a judge is purely a matter of constitutional or statutory provision, and while judicial officers are entitled to receive compensation for their services in accordance with the provisions of the law,¹ they are not entitled to any salary, fees, or other compensation except as expressly provided by law.² In determining judicial salaries, courts have adjudicated the effect of statutes as to whether or not they repealed prior statutes affecting such compensation.³

In view of the duties imposed on judges, a constitution imposing on them such duties secures to them by necessary implication adequate maintenance⁴ and thus makes it the duty of the legislative department to provide for such adequate compensation.⁵ This compensation should be certain⁶ and uniform.⁷ A judge receives the same salary, benefits, and emoluments of office regardless of division and regardless of assignment.⁸ A statute prescribing and regulating the salaries or fees of judges may operate as well on the judges in office at the time of its passage as on those subsequently elected or appointed.⁹

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Footnotes

¹ U.S.—*Glidden Co. v. Zdanok*, 370 U.S. 530, 82 S. Ct. 1459, 8 L. Ed. 2d 671 (1962).

Neb.—*Garrotto v. McManus*, 185 Neb. 644, 177 N.W.2d 570 (1970).

- 2 Cal.—*Crawford v. Payne*, 12 Cal. App. 2d 485, 55 P.2d 1240 (2d Dist. 1936).
Tenn.—*English v. Farrar*, 206 Tenn. 188, 332 S.W.2d 215 (1960).
As to compensation of special judges, see § 347.
- 3 La.—*State ex rel. Saint v. Toups*, 95 So. 2d 55 (La. Ct. App. 1st Cir. 1957).
Tenn.—*English v. Farrar*, 206 Tenn. 188, 332 S.W.2d 215 (1960).
- 4 Conn.—*McGovern v. Mitchell*, 78 Conn. 536, 63 A. 433 (1906).
S.C.—*Gaffney v. Mallory*, 186 S.C. 337, 195 S.E. 840 (1938).
- 5 Ky.—*Wright v. Oates*, 314 S.W.2d 952 (Ky. 1958).
Pa.—*Glancey v. Casey*, 447 Pa. 77, 288 A.2d 812 (1972).
- 6 Cal.—*Crawford v. Payne*, 12 Cal. App. 2d 485, 55 P.2d 1240 (2d Dist. 1936).
Conn.—*McGovern v. Mitchell*, 78 Conn. 536, 63 A. 433 (1906).
- 7 Ky.—*Wright v. Oates*, 314 S.W.2d 952 (Ky. 1958).
Pa.—*Glancey v. Casey*, 447 Pa. 77, 288 A.2d 812 (1972).
- 8 Pa.—*In re Avellino*, 547 Pa. 385, 690 A.2d 1138 (1997).
- 9 Ala.—*Stone v. State*, 20 Ala. App. 69, 101 So. 58 (1924).
As to change of compensation during term, see §§ 197 to 204.